

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

ALL MATTERS RELATED TO NORTH  
AMERICAN REFRACTORIES  
COMPANY, et al. in Case No. 02-20198, as  
affected by the May 24, 2013 Order  
Entering Final Decree entered at Doc. No.  
7940  
Debtors

Misc. Case No. 15-00204-TPA

Chapter 11

HONEYWELL INTERNATIONAL INC.,  
*Plaintiff,*

v.

NORTH AMERICAN REFRACTORIES  
COMPANY ASBESTOS PERSONAL  
INJURY SETTLEMENT TRUST,  
*Defendant*

Adv. No. 21-2097

**JOINT MOTION TO AMEND FIRST SUPPLEMENTAL PRETRIAL  
SCHEDULING ORDER OF COURT**

Honeywell International Inc. (“Honeywell”), the NARCO Asbestos Personal Injury Settlement Trust (the “Trust”), the Trust Advisory Committee, and the Future Claimants’ Representative (collectively, the “Parties and the Intervenors”), by their undersigned counsel, move to extend discovery and other deadlines in *Honeywell International Inc. v. North American Refractories Company Asbestos Personal Injury Settlement Trust*, Adv. No. 21-2097 (the “Adversary Proceeding”). The new deadlines are interim deadlines that do not affect the scheduled trial. The Parties state the following:

1. Honeywell and the Trust cross-filed Complaints on September 20, 2021 and the Court filed both in separate dockets as reflected in its September 28, 2021 Order. Adv. Proc. No. 21-2096, Dkt. Nos. 1-2; Adv. Proc. No. 21-2097, Dkt. Nos. 1-2.

2. On October 8, 2021, the Court entered a Pretrial Scheduling Order and 7016(f) Notice in both cases. Adv. Proc. No. 21-2096, Dkt. No. 92; Adv. Proc. No. 21-2097, Dkt. No. 93.

3. On November 1, 2021, the parties filed a Joint Discovery and Scheduling Stipulation in both cases. Adv. Proc. No. 21-2096, Dkt. No. 113; Adv. Proc. No. 21-2097, Dkt. No. 117.

4. On November 5, 2021, the Court entered the Supplemental Pretrial Scheduling Order, which adopted the schedule set forth in the Joint Discovery and Scheduling Stipulation. Adv. Proc. No. 21-2096, Dkt. No. 120; Adv. Proc. No. 21-2097, Dkt. No. 119.

5. The Supplemental Pretrial Scheduling Order contained a chart of the parties' agreed deadlines, which indicated parenthetically that certain of those deadlines were Court deadlines. The Supplemental Pretrial Scheduling Order provided that "if the Parties seek an extension of a date set by the Court, as indicated by the phrase 'Court deadline' in the Chart as set forth in Paragraph 1, above, they must seek judicial intervention." ¶ 7. The Supplemental Pretrial Scheduling Order further provided: "If the deadline is not a 'Court deadline,' the Parties may agree to a new deadline without judicial intervention." *Id.*

6. On December 23, 2021, the Parties and Intervenors filed a Joint Motion to Amend Supplemental Pretrial Scheduling Order of Court, which Motion requested the extension of certain deadlines contained in the November 5, 2021 Supplemental Pretrial Scheduling Order. Adv. Proc. No. 21-2096, Dkt. No. 161; Adv. Proc. No. 21-2097, Dkt. No. 167.

7. On January 3, 2022, the Court entered an Order closing Adv. Proc. No. 21-2096 effective as of January 18, 2022.

8. On January 18, 2022, the Court entered that certain Order Granting Joint Motion to Amend Supplemental Pretrial Scheduling Order of Court. Adv. Proc. No. 21-2097, Dkt. No. 215 (the “First Amended Supplemental Pretrial Scheduling Order”).

9. Under the First Amended Supplemental Pretrial Scheduling Order, the deadline to complete (i) fact depositions was February 16, 2022, (ii) expert depositions is March 16, 2022; and (iii) discovery is to close on March 16, 2022. The fact and expert deposition deadlines are not Court deadlines but the close of discovery is a Court deadline; however, nothing herein proposes or requests to move the final pretrial conference or the scheduled trial.

10. The Parties have been cooperating to accommodate all of the depositions the Parties desire to take and to coordinate witness availability. Despite this cooperation, the significant number of fact and expert witnesses who must be deposed has made it difficult to complete discovery within the deadlines set by the First Amended Supplemental Pretrial Scheduling Order.

11. Accordingly, the Parties have mutually agreed to certain changes to the discovery schedule, which do include changes to several Court deadlines including extending the discovery period by 2 additional weeks, extending the deadline for filing preliminary motions by 3 weeks, extending and consolidating the date by which the Parties each have to file a Pretrial Statement and extending the deadline to file motions in limine by 2 days.

12. The Parties have endeavored to ensure that the amended deadlines do not significantly affect the amount of time that the Court would otherwise have to review the Parties’ consolidated pretrial statement and motions in limine prior to the Final Pretrial Conference.

13. Below is a chart which identifies the current date as set forth in the First Amended Supplemental Pretrial Scheduling Order and the proposed amended dates:

<b>Event</b>	<b>Current Date pursuant to First Amended Supplemental Pretrial Scheduling Order</b>	<b>Proposed Amended Date</b>
Conclude Fact Depositions	February 16, 2022 (Wed.)	March 16, 2022 (Wed.)
Rebuttal Expert Reports	March 4, 2022 (Fri.)	March 18, 2022 (Fri.)
Conclude Expert Depositions	March 16, 2022 (Wed.)	April 1, 2022 (Fri.)
Close of Discovery (Court Deadline)	March 16, 2022 (Wed.)	April 1, 2022 (Fri.)
Last Day for Preliminary Motions, Including Motion for Summary Judgment (Court deadline)	March 21, 2022 (Mon.)	April 11, 2022 (Mon.)
Plaintiff's Portion of Pretrial Statement (Court Deadline)	March 21, 2022 (Mon.)	April 11, 2022 (Mon.)
Defendant's Portion of Pretrial Statement (Court Deadline)	April 4, 2022 (Mon.)	April 11, 2022 (Mon.)
Parties' Consolidated Pretrial Statement and Issues of Law Briefs (Court deadline)	April 18, 2022 (Mon.)	April 22, 2022 (Fri.)
Motions in Limine Deadline (Court deadline)	April 20, 2022 (Wed.)	April 22, 2022 (Fri.)

14. The remaining dates in the First Amended Supplemental Pretrial Scheduling Order, which include submitting copies of the Parties respective trial exhibits to the Court on April 27, 2022 and the Final Pretrial Conference scheduled for May 2, 2022 shall remain.

WHEREFORE, the Parties respectfully request that the Court enter an Order, in substantially the form attached hereto, extending the deadlines set forth in the parties' Joint Motion to Amend First Supplemental Pretrial Scheduling Order.

DATED: March 14, 2022

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